

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

CONTROL-FINANCE LIMITED AND
BENJAMIN REYNOLDS,

Defendants.

Case No. 1:19-cv-05631-MKV

**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S
REQUEST FOR CERTIFICATE OF DEFAULT**

I, Julia C. Colarusso, pursuant to 28 U.S.C. § 1746 (2018), declare as follows:

1. I am employed as a Trial Attorney by the Division of Enforcement of the Commodity Futures Trading Commission (“Plaintiff” or “Commission”) in Washington, D.C. I have personal knowledge of the facts stated herein. I submit this Affidavit in support of Plaintiff’s Request for a Certificate of Default against Defendant Benjamin Reynolds (“Reynolds”).

2. On June 17, 2019, the Commission filed its Complaint against Reynolds and Defendant Control-Finance Limited, alleging fraud and other violations of the Commodity Exchange Act, 7 U.S.C. §§ 1-26 (2018), and its implementing Commission Regulations, 17 C.F.R. pts. 1-190 (2019). *See* ECF No. 1.

3. The Commission sought leave to serve Reynolds by publication in the United Kingdom pursuant to Federal Rule of Civil Procedure 4(f)(3). ECF No. 16. Judge Koeltl granted that request on January 7, 2020 (the “January 7 Order”). ECF No. 20. As required by

the January 7 Order, the Commission published a notice about the case in *The Daily Telegraph*, a U.K. newspaper, once a week for four consecutive weeks, and the notice included the text of the Summons and a statement describing how a copy of the Complaint could be obtained.

Accordingly, the Complaint was properly served on Reynolds. The Commission then filed a Proof of Service with the Court on March 3, 2020. ECF No. 21.

4. The January 7 Order obligated Reynolds to respond to the Complaint within twenty-one days from the date of the last publication in *The Daily Telegraph*. As set forth in the Commission's Proof of Service, the last publication in *The Daily Telegraph* occurred on February 8, 2020. Accordingly, Reynolds was required to respond to the Complaint on or before March 2, 2020. To date, Reynolds has not answered or otherwise responded to the Complaint.

5. Upon information and belief, Reynolds is not an infant or an incompetent person.

6. Upon information and belief, Reynolds is not presently in the military service of the United States.

7. For the foregoing reasons, and pursuant to Federal Rule of Civil Procedure 55(a), the Commission respectfully requests that the Clerk of the Court enter default against Reynolds and issue a Certificate of Default, due to Reynolds's failure to plead or otherwise defend this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2020

s/Julia C. Colarusso